United Nations A/58/185

General Assembly

Distr.: General
25 July 2003

Original: English

Fifty-eighth session
Item 119 (b) of the provisional agenda*
Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

Report of the Secretary-General

I. Introduction

1. In its resolutions 56/153 of 19 December 2001 and 57/203 of 18 December 2002, the General Assembly requested the Secretary-General to prepare a comprehensive report on the strengthening of United Nations action in the field of human rights, through the promotion of international cooperation based on the principles of non-selectivity, impartiality and objectivity, taking into account the views of Member States. Moreover, the Assembly decided to continue consideration of the question at its fifty-eighth session under the item entitled "Human rights questions".

2. In compliance with paragraph 11 of those resolutions, the Secretary-General, in a note verbale dated 2 May 2002, invited Member States to present practical proposals and ideas that would contribute to the strengthening of United Nations action in the field of human rights through the promotion of international cooperation based on the principles of non-selectivity, impartiality and objectivity.

3. As of 17 July 2003, the following reply had been received (see paras. 4-6 below). In order to solicit additional replies, the Secretary-General invited Member States to present their practical proposals and ideas in a note verbale dated 17 July 2003. Additional replies received, if any, will be issued as addenda to the present report.

* A/58/150.

03-45157 (E) 250803

II. Replies received from Governments

Libyan Arab Jamahiriya

[Original: Arabic]
[Geneva, 25 November 2002]

4. The preamble of the Charter of the United Nations states: "We the peoples of the United Nations determined to ... reaffirm faith in fundamental human rights ... and for these ends to practice tolerance and live together in peace with one another as good neighbours". According to Article 55 of the Charter: "With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote: ... universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion". Furthermore, paragraph 5 of the Vienna Declaration and Programme of Action, adopted by the 1993 World Conference on Human Rights, reads as follows:

> "All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural, and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms."

5. The Great Jamahiriya should like to reaffirm the following:

(a) It is necessary to take account of the historical, religious and cultural specificities of States and peoples when dealing with human rights issues and topics, since what is acceptable in one society may not be acceptable in others;

(b) No State or group of States has any right to impose its values, customs or political, economic, social and cultural systems on other States;

(c) Human rights are universal, interrelated and indivisible, individual rights being inseparable from the rights of the community and no one right taking precedence over another;

(d) The right to development is also an inalienable human right;

(e) Economic and social development and human rights are complementary elements for the realization of a single objective on behalf of the human person, namely a dignified life;

(f) There should be no linkage between human rights issues and humanitarian and economic assistance.

6. The Great Jamahiriya should like to make the following recommendations:

(a) Human rights matters should retain their humanitarian nature, the goal being to promote and strengthen human relations between all peoples. They should not be used as a pretext for the realization of political purposes and ends, the settling of political scores or the application of pressure on any State;

(b) The pursuit of a non-selective, impartial and objective approach to, or method of, dealing with human rights issues contributes, without doubt, to the promotion of international cooperation in protecting and promoting human rights and fundamental freedoms and ensuring their effective realization;

(c) There should be absolutely no selectivity or discrimination in consideration of human rights issues nor should particular countries be targeted because their policies do not conform with the political line adopted by certain States;

(d) The working methods of certain treaty bodies and of special rapporteurs, representatives and chairpersons of working groups should be reviewed with a view to ensuring that their work is conducted with the neutrality, impartiality, objectivity and transparency required;

(e) The process for the selection of special rapporteurs, representatives and independent experts should be reviewed with a view to ensuring equitable and wider geographical representation and to striking a balance among the various geographical groups;

(f) The personnel structure of the Office of the United Nations High Commissioner for Human Rights should be overhauled in order to create a staffing structure that is diverse, balanced and enjoys equitable geographical distribution;

(g) Special rapporteurs and representatives should be asked to confine themselves to their mandated duties and refrain from going into topics and issues that have nothing to do with their duties. They should not be influenced by the political positions of the States to which they belong;

(h) The independence, objectivity, impartiality and discretion of special rapporteurs, representatives and chairpersons of working groups must be assured in carrying out their mandates;

(i) Specific limits should be placed on the powers of special rapporteurs, representatives and the chairpersons of working groups;

(j) The threat of military intervention should not be used nor should there be interference in the internal affairs of States under the pretext of protecting human rights in any State;

(k) An environment should be created that is conducive to mutual understanding and dialogue between special rapporteurs, representatives and the chairpersons of working groups and the States concerned;

(l) There can be no doubt that dialogue and cooperation among States, dialogue between civilizations and cultures, mutual respect and the disavowal of confrontation, the imposition of sanctions and interference in the internal affairs of States will lead to the creation of an international environment conducive to the promotion and protection of human rights.